

DEFICIENCY PROGRESS REPORT – UPDATE 2

November 27, 2007

CUPA: CITY OF SANTA ROSA FIRE DEPARTMENT

Evaluation Date: April 17 and 18, 2007

Evaluators: Jennifer Lorenzo, Cal/EPA
Mark Pear, DTSC
Jack Harrah, OES
Sean Farrow, SWRCB

Status: All deficiencies have been corrected.

Next Progress Report Due: No further update is required.

1. **Deficiency:** The CUPA is not fully tracking and reporting all items requested on their Annual Inspection Summary Report 3.

Preliminary Corrective Action by September 30, 2007: While the CUPA continues to improve their database management system, the CUPA will ensure that the information reported on the Annual Inspection Summary Report 3 will be complete. Before submittal of the report, the CUPA will verify that the data reported are as accurate as possible.

CUPA Corrective Action (July 3, 2007): The DMS database [that] SRFD uses has been audited and data had been added or corrected so as to provide accurate data on Report 3.

Cal/EPA Comments to July 3, 2007, Corrective Action: Cal/EPA considers this deficiency a correction in progress. This deficiency will be deemed corrected upon receipt and review of a complete Annual Inspection Summary Report 3 for FY 06/07 due by the next progress report submittal (October 15, 2007). For any discrepancies or blank fields applicable to the CUPA, the CUPA is requested to provide explanations on their self-audit report and/or as footnotes on their Report 3.

CUPA Corrective Action (October 16, 2007): [The CUPA submitted their FY 06/07 Annual Inspection Summary Report 3.]

Cal/EPA Comments to October 16, 2007, Corrective Action: The CUPA has satisfactorily corrected this deficiency. No further update is necessary.

- 2. Deficiency:** The CUPA is not fully tracking and reporting violations information and enforcement actions taken on their Annual Enforcement Summary Report 4.

Preliminary Corrective Action by September 30, 2007: While the CUPA continues to update and improve their database management system, the CUPA will ensure that the violations and enforcement data on the Annual Enforcement Summary Report 4 will be complete and as accurate as possible.

CUPA Corrective Action (July 3, 2007): A database has been developed to capture all enforcement cases and actions done by the City. Report 4 will have all data obtained from this report.

Cal/EPA Comments to July 3, 2007, Corrective Action: *This deficiency remains a correction in progress and will be considered corrected upon receipt and review of a complete Annual Enforcement Summary Report 4 for FY 06/07 due by the next progress report submittal (October 15, 2007). For any discrepancies or blank fields applicable to the CUPA, the CUPA is requested to provide explanations on their self-audit report and/or as footnotes on their Report 4.*

CUPA Corrective Action (October 16, 2007): [The CUPA submitted their FY 06/07 Annual Enforcement Summary Report 4.]

Cal/EPA Comments to October 16, 2007, Corrective Action: *The CUPA satisfactorily corrected this deficiency. No further update is necessary.*

- 3. Deficiency:** The CUPA is not assessing CalARP state surcharge.

Preliminary Corrective Action by August 31, 2007: The CUPA will assess the FY 05/06 and the FY 06/07 CalARP state surcharge on each business regulated under the CalARP program.

CUPA Corrective Action (May 16, 2007): [The CUPA provided copies of invoices for the two CalARP facilities in Santa Rosa.]

Cal/EPA & OES Comments to May 16, 2007, Corrective Action: *[This deficiency has been corrected; therefore, no further corrective action is required.]*

- 4. Deficiency:** The CUPA's FY 04/05 and FY 05/06 Self-Audit Reports were missing required elements.

Preliminary Corrective Action by October 15, 2007: The CUPA will submit their FY 06/07 Self-Audit Report that contains all the required elements.

CUPA Corrective Action (July 3, 2007): The self-audit to be submitted to the State [in] 10/07 will contain all of the required information.

Cal/EPA Comments to July 3, 2007, Corrective Action: *This deficiency remains outstanding. On the next progress report due by October 15, 2007, please submit the CUPA's FY 06/07 self-audit report as outlined in CCR Title 27, Section 15280.*

CUPA Corrective Action (October 16, 2007): [The CUPA submitted their FY 06/07 Self-Audit report and also their FY 06/07 Self-Audit checklist.]

Cal/EPA Comments to October 16, 2007, Corrective Action: *The CUPA has satisfactorily corrected this deficiency. No additional update is required; however, on future self-audit reports, the CUPA is no longer required to provide a summary on their progress toward consolidating, coordinating, and making consistent their Unified Program per the current CCR Title 27, Section 15280.*

- 5. Deficiency:** The CUPA has not completed an annual CalARP performance audit.

Preliminary Corrective Action by July 1, 2007: The CUPA will complete the FY 06/07 CalARP performance audit. The CUPA may incorporate the CalARP performance audit with the Unified Program FY 06/07 Self-Audit Report.

CUPA Corrective Action (July 3, 2007): SRFD has developed a fee and surcharge for CalARP. SRFD has identified 2 CalARP facilities, Agilent and JDSU both were billed for CalARP permits and surcharge. Both were inspected. It was determined that JDSU does not belong in the CalARP program based on materials stored on site and will be removed from the CalARP program for fiscal year 07/08.

Cal/EPA & OES Comments to July 3, 2007, Corrective Action: *This deficiency remains outstanding. On the next progress report due on October 15, 2007, please submit the CUPA's FY 06/07 CalARP performance audit as outlined in CCR Title 19, Section 2780.5. In the future, the CUPA may incorporate the elements of their CalARP performance audit into their self-audit report.*

CUPA Corrective Action (October 16, 2007): [The CUPA submitted their FY 06/07 Self-Audit report and also their FY 06/07 Self-Audit checklist.]

Cal/EPA & OES Comments to October 16, 2007, Corrective Action: *The CUPA has incorporated their CalARP performance audit on their FY 06/07 Self-Audit Report and Self-Audit Checklist. Therefore, this deficiency has been satisfactorily corrected. For future reference, the CUPA is encouraged to combine all elements of the CalARP performance audit per CCR Title 19, Section 2780.5, in one document for ease of location, such as the annual Self-Audit report.*

- 6. Deficiency:** The CUPA's draft March 2007 area plan does not contain a reporting form.

Preliminary Corrective Action by August 1, 2007: The CUPA corrected this deficiency [on May 1, 2007]. The area plan has been revised to include the required reporting form.

CUPA Corrective Action (May 1, 2007): [The CUPA provided the reporting form.]

Cal/EPA & OES Comments to May 1, 2007, Corrective Action: *[This deficiency has been satisfactorily corrected; therefore, no further update is required.]*

- 7. Deficiency:** The CUPA's dispute resolution procedure does not address appeals to the Director of OES for disputes related to the CalARP program.

Preliminary Corrective Action by July 17, 2007: This deficiency has been corrected [on May 1, 2007]. The CUPA's dispute resolution procedure has been updated to incorporate the appeals for the CalARP program.

CUPA Corrective Action (May 1, 2007): [The CUPA submitted a revised dispute resolution procedure to include appeals for the CalARP program.]

Cal/EPA & OES Comments to May 1, 2007, Corrective Action: *[This deficiency has been satisfactorily corrected; therefore, no further update is required.]*

- 8. Deficiency:** The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility compliance inspections during the last three fiscal years.

Preliminary Corrective Action by June 30, 2007: By June 30 and each subsequent year, the CUPA will inspect every UST within its jurisdiction at least once every year.

CUPA Corrective Action (July 3, 2007): The SRFD is at 100% compliance for UST inspections. [We have 60 sites total...We conducted inspections at 58 sites. From today until Sept 30, we have 2 sites currently due.]

Cal/EPA & SWRCB Comments to July 3, 2007, Corrective Action:
This deficiency is considered a correction in progress. On the next progress report due on October 15, 2007, please submit the status for all 60 UST facilities.

CUPA Corrective Action (October 16, 2007): [The CUPA submitted their FY 06/07 Annual Inspection Summary Report 3.]

Cal/EPA & SWRCB Comments to October 16, 2007, Corrective Action: *Based on the Annual Inspection Summary Report 3, the CUPA inspected all 60 UST facilities within FY 06/07. Therefore, this deficiency is corrected. No further update is required.*

9. **Deficiency:** The CUPA failed, in some instances, to take enforcement in a manner consistent with state law. The Annual Enforcement Summary Reports indicate that five Class I violations were identified in FY 03/04.

Preliminary Corrective Action (effective immediately): The CUPA will initiate and complete the appropriate formal enforcement in the future for all Class I violations.

CUPA Corrective Action (July 3, 2007): Training has been conducted and all inspectors are able to determine Class 1 violations. Enforcement processes are in place to take formal enforcement action if Class 1 violations are observed. [The training we received was in-house taught by Ms. Corey Vincent of Santa Rosa City CUPA and we used the Health and Safety Code definitions of Class I and II violations. This training occurred in April and June 2007. We have had no inspections with Class I or II violations. There was a violation which may be an enforceable violation on the inspection conducted with Mr. Mark Pear of DTSC at the Laguna Treatment Plant if they can not provide the verification that their waste tank has been certified (refer to next deficiency for additional information).]

Cal/EPA & DTSC Comments to July 3, 2007, Corrective Action: *This deficiency has been satisfactorily corrected and no further update is required.*

10. Deficiency: The CUPA did not conduct a complete hazardous waste generator inspection on March 21, 2007.

Preliminary Corrective Action by August 1, 2007: The CUPA will determine whether or not the facility obtained a hazardous waste tank assessment (including secondary containment) from an independent, registered qualified engineer for all hazardous waste tanks located on site. If it is determined that the facility failed to obtain the tank assessment, the CUPA will initiate formal enforcement.

CUPA Corrective Action (July 3, 2007): SRFD is awaiting verification on the waste tank; if it has not been obtained, SRFD will initiate formal enforcement.

Cal/EPA & DTSC Comments to July 3, 2007, Corrective Action: *This deficiency is considered to be in the process of being corrected. On the next progress report due on October 15, 2007, please update Cal/EPA on the status of the facility's hazardous waste tank. Include whether or not the facility obtained a tank assessment and/or any formal enforcement action that the CUPA has taken if the facility failed to provide the tank assessment verification. Additionally, if available, please provide documentation of the tank assessment verification or, if applicable, a copy of the enforcement action letter that will be taken against the facility.*

CUPA Corrective Action (July 31, 2007): It has been determined that the Treatment Plant AST storing non-RCRA waste needs certification which was over due. A Notice of Violation [NOV] was written which started the enforcement action process. They [the facility] have been advised that the next step in the process will occur and a penalty will be assessed.

Cal/EPA & DTSC Comments to July 31, 2007, Corrective Action: *Please submit a copy of the NOV or enforcement action letter for the treatment plant. The documentation will serve to finalize and correct this deficiency completely.*

CUPA Corrective Action (November 21, 2007): [The CUPA issued a Notice of Violation after a re-inspection of the AST treatment plant facility in July 2007. However, compliance was achieved and the facility received tank assessment certification on both of their hazardous waste tanks.]

Cal/EPA & DTSC Comments to November 21, 2007, Corrective

Action: *This deficiency has been satisfactorily corrected; no further update is required. However, as an additional assurance, the CUPA is strongly recommended to review tank assessments for regulatory requirements pursuant to CCR Title 22, sections 66265.191, 66265.192, and 66265.193. The CUPA may also contact DTSC for assistance with the review (contact Asha Arora at aarora@dtsc.ca.gov).*

- 11. Deficiency:** The CUPA is not conducting hazardous waste generator inspections within the frequency consistent with their Inspection and Enforcement Plan, which is triennial.

Preliminary Corrective Action by July 17, 2007: On an annual basis, the CUPA will inspect approximately a third of its hazardous waste generator and tiered permitting facilities. Beginning July 17, 2007, the CUPA will submit a status of their progress, including the number of facilities inspected.

CUPA Corrective Action (July 3, 2007): There are 433 waste sites permitted in SRFD jurisdiction. In the triennial inspection schedule, 144 are due annually. For the fiscal year 06/07, 204 waste inspections have been completed to date which is over the target of 144.

Cal/EPA & DTSC Comments to July 3, 2007, Corrective Action: *This deficiency has been satisfactorily corrected. The CUPA has inspected approximately 47% of its hazardous waste generators for FY 06/07, exceeding their I&E Plan's triennial inspection frequency. Thus, no further update is required for this deficiency.*